

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JONATHAN SANDOVAL,	}	No. SA CV 15-01834-VBF-JC
Petitioner,		ORDER
v.		ADOPTING R&R and
W.L. MONTGOMERY (Warden),		GRANTING PETITIONER'S
Respondent.		MOTION FOR STAY AND
		ABEYANCE WITH REGARD TO
		GROUND FIVE OF HABEAS
		PETITION

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus by a Person in State Custody ("Petition") and supporting documents, petitioner's Motion to Hold Proceedings in Abeyance ("Motion to Stay"), and all of the records herein, including the attached Report and Recommendation of United States Magistrate Judge ("R&R"). The deadline for objections to the R&R was December 7, 2015; because petitioner is represented by counsel, his counsel had to e-file objections by midnight on that date. Petitioner has neither filed objections nor requested an extension of time, and the Court will rule without waiting further.

IT IS HEREBY ORDERED:

1. **The Report and Recommendation is ADOPTED.**
2. **Petitioner's Motion to Stay is GRANTED** as described below;

3. **This action is stayed solely for the purpose of allowing petitioner to exhaust Ground Five of the instant federal habeas petition;**

4. **Petitioner shall file a report with the Court detailing the status of the state court proceedings beginning thirty (30) days from the date of this Order and every sixty (60) days thereafter** and, even if petitioner has no new information regarding his efforts to exhaust state remedies in a given period because a matter remains pending in state court, he must nonetheless file a report advising the Court of that fact;

5. Within thirty (30) days of any state decision granting petitioner habeas relief or, if none, within thirty (30) days of the California Supreme Court's decision relative to a state habeas petition containing Ground Five, petitioner must file in this Court, a notice of such decision and attaching as an exhibit thereto, a copy of such decision;

6. The failure to meet any time requirement above shall result in an order vacating the stay, *nunc pro tunc*, may preclude consideration of Ground Five, and may result in dismissal of this action for lack of prosecution;

7. Nothing in this Order precludes respondent from raising procedural or other objections/defenses to the Petition or any claims therein; and

8. The Clerk shall remove this case from the Court's active case load / administratively close it.

IT IS SO ORDERED.

DATED: December 11, 2015

Valerie Baker Fairbank

Hon. VALERIE BAKER FAIRBANK
Senior United States District Judge